

ORDINANCE NO. 3085

AN ORDINANCE AMENDING TITLE 18 OF THE SAN LUIS OBISPO COUNTY CODE, THE PUBLIC FACILITIES FEE ORDINANCE, RELATIVE TO REQUIREMENTS FOR FIRE FEES ON REMODELS, ADDITIONS AND ALTERATIONS THAT ADD ADDITIONAL RESIDENTIAL SQUARE FOOTAGE AND THE PAYMENT OF PARK FEES WHEN PARKLAND DEDICATION FEES (QUIMBY ORDINANCE) HAVE BEEN PREVIOUSLY PAID FOR A PARCEL

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1. Section 18.03.020a of the Public Facilities Fee, Title 18 of the San Luis Obispo County Code, is hereby amended as follows:

- a. Remodels, additions, or alterations to existing residences, except to the extent that additional units are created. If any additional residence is created by the addition or remodel project, then the facilities fees shall apply. In addition, when the remodel, addition or alteration will result in additional square footage for residential purposes, the project will be required to pay the fire component of the public facility fee for the additional square footage. The decision as to what constitutes an addition or remodel shall be made by the Planning Director.

SECTION 2. Section 18.04.010a of the Public Facilities Fee, Title 18 of the San Luis Obispo County Code, is hereby amended as follows:

- a. Prior to the issuance of any building permit, or prior to the granting of any earlier approval for any development project if the collection of the fees at such earlier time is permitted by law, the applicant for the permit or approval shall pay to the County Department of Planning and Building any and all Public Facilities Fees imposed by resolution of the Board of Supervisors. Permits for remodels, additions, or alterations to existing residences that will add additional square footage for residential purposes will be required to pay the fire component of the Public Facilities Fee for the additional square footage. Payment of the fees for affordable housing projects shall be deferred as follows:

SECTION 3. Section 18.04.010 of the Public Facilities Fee, Title 18 of the San Luis Obispo County Code, is hereby amended to add new subsection g as follows: (

- g. When application is made for a new building permit where the Parkland fees (Quimby) have been paid at the time of recordation of the subdivision, the land portion of the park component of the Public Facility Fee shall not be collected at the time of the building permit. The development portion of the park component of the Public Facility Fee shall be collected.

SECTION 4. That the activity is covered by a general rule exemption (State CEQA Guidelines section 15061(b)(3)) from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 5. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 6: This ordinance shall take effect and be in full force on and after 60 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the 11th day of April, 2006, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 25th day of April, 2006, by the following roll call vote, to wit:

AYES: Supervisors Shirley Bianchi, Jerry Lenthall, James R. Patterson, Chairperson
K.H. 'Katcho' Achadjian

NOES: None

ABSENT: Supervisor Harry L. Ovitt

ABSTAINING: None

K.H. ACHADJIAN

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

JULIE L. RODEWALD

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

By: **C.M. CHRISTENSEN** Deputy Clerk
[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.

County Counsel

By: 

Deputy County Counsel

Dated: 3.30.06